



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: APRIL 10, 2006

*III.5*  
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-18  
1770 AND 1784 NEWPORT BOULEVARD

DATE: MARCH 30, 2006

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714) 754-5611

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## **PROJECT DESCRIPTION**

The applicant is requesting approval of a conditional use permit to allow 5 off-site parking spaces at 1770 Newport Boulevard to support a proposed physical therapy business at 1784 Newport Boulevard.

## **APPLICANT**

The applicant is H. Calvin Stilley, the owner of both properties.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP  
Senior Planner

R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

## **BACKGROUND**

Both properties are located on the east side of Newport Boulevard, are zoned C2<sup>1</sup> and have a General Plan Designation of General Commercial.

### **1770 Newport Boulevard**

The property contains several buildings, including a camera shop (Cal's Cameras) and a retail glass and ticket shop towards the front of the property (along Newport Boulevard) and a retail building and parking garage at the rear of the property. A total of 80 on-site parking spaces are provided, mostly at the rear of the building. The parking exceeds code requirements (59 parking spaces are required).

### **1784 Newport Boulevard**

The property contains a 2,100 square foot commercial building that was previously occupied by a golf shop. The applicant is proposing a physical therapist office for the space, which requires a higher number of parking spaces under code (8 spaces required for retail uses, 13 spaces required for the proposed use, a deficiency of 5 parking spaces).

The subject site is bounded at the rear by a public alley and a small City-owned parking lot that contains approximately 17 parking spaces.

## **DISCUSSION**

To offset the shortage of available parking spaces for the proposed physical therapy use, the applicant, who owns both properties, is proposing to provide off-site overflow parking. Per Code Section 13-93(m), the applicant is requesting approval of a conditional use permit to authorize the off-site parking.

The off-site parking is located less than 40 feet from the proposed physical therapy use, and because the parking spaces are at the rear of the building, will be easily accessible without having to cross multiple properties or public streets. Staff is requiring, as a condition of approval, that a recorded agreement be provided to ensure that the off-site parking will remain available as long as the physical therapy or similar medical office use occupies the building. As indicated earlier, the 1770 Newport Boulevard address has on-site parking that exceeds code requirements, so no parking shortages are anticipated.

## **GENERAL PLAN CONFORMITY**

Approval of the off-site parking is consistent with the City's General Plan Goal CD-8A.5, which encourages the arrangement of parking for commercial uses in a logical, safe manner.

## **ALTERNATIVES**

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<sup>1</sup> The portion of 1770 Newport Boulevard that contains the parking garage fronting on E. 18<sup>th</sup> Street is zoned CL (Commercial Limited).

If the conditional use permit were to be denied, the proposed physical therapy use would not be permitted due to lack of available parking. The applicant could not submit substantially the same type of application for six months.

### **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

### **CONCLUSION**

It is staff's opinion that the proposed use, with the recommended conditions of approval, will not adversely affect parking adjacent properties. Therefore, staff recommends approval of the request.

Attachments:      Draft Planning Commission Resolution  
                          Exhibit "A" – Findings  
                          Exhibit "B" – Conditions of Approval  
                          Applicant's Project Description and Justification  
                          Location Map  
                          Plans/Photos

cc:      Deputy City Manager - Dev. Svs. Director  
             Sr. Deputy City Attorney  
             City Engineer  
             Fire Protection Analyst  
             Staff (4)  
             File (2)

H. Calvin Stilley  
 10982 Hunting Horn Drive  
 Santa Ana, CA 92705

File: 041006PA-06-18	Date: 032906	Time: 8:15AM
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**RESOLUTION NO. PC-06-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-06-18**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by H. Calvin Stilley, property owner, to allow  
5 off-site parking spaces at 1770 Newport Boulevard for a proposed physical therapy  
business at 1784 Newport Boulevard; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission  
on April 10, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings  
contained in Exhibit "A," and subject to the conditions of approval contained within  
Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-06-  
18 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does  
hereby find and determine that adoption of this Resolution is expressly predicated upon  
the activity as described in the staff report for PA-06-18 and upon applicant's compliance  
with each and all of the conditions contained in Exhibit "B". Any approval granted by this  
resolution shall be subject to review, modification or revocation if there is a material  
change that occurs in the operation, or if the applicant fails to comply with any of the  
conditions of approval.

**PASSED AND ADOPTED this 10<sup>th</sup> day of April, 2006.**

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Bill Perkins, Chair  
Costa Mesa Planning Commission

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**EXHIBIT "A"****FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use, as conditioned, is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, adverse parking impacts on neighboring properties are not anticipated because there is available off-site parking that exceeds code requirements, so no parking shortages are anticipated. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property. Approval of the off-site parking is consistent with the City's General Plan Goal CD-8A.5, which encourages the arrangement of parking for commercial uses in a logical, safe manner.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
  - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  - c. The proposed use is consistent with the General Plan.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The business operator shall be responsible for enforcing the parking restrictions as described herein. Any proposed operational change that significantly increases or intensifies the off-site parking shall require approval of an amendment to this conditional use permit by the Planning Commission.
4. The conditions of approval and ordinance or code provisions of Planning Application PA-06-18 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. The applicant shall submit a parking management plan to the Planning Division for review and approval prior to issuance of building permits.
6. A land use restriction executed by and between the property owner and the City of Costa Mesa shall be recorded. The land use restriction shall state that the off-site parking shall remain permanently available for all employees, customers, and guests having lawful reason to be at the commercial business at 1784 Newport Boulevard. The applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so the document may be prepared.
7. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The business operator shall institute whatever operational measures are necessary to comply with this requirement.
8. If parking shortages or other parking-related problems arise, the business operator shall institute whatever operational measures necessary to minimize or eliminate the problem.
9. Complaints regarding violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.

# CITY OF COSTA MESA PLANNING APPLICATION

## PROJECT DESCRIPTION AND JUSTIFICATION

1. Project Address:

1784 Newport Blvd Costa Mesa CA 92627

2. Fully describe your request:

Request 2 additional parking spaces from adjoining property at 1770 Newport Blvd.

3. Justification:

A. For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a variance or Administrative Adjustment: On a separate sheet, describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

4. This project is: (check where appropriate)

☐ In a flood zone.

☒ In the Redevelopment Area.

☐ Subject to future street widening.

☐ In a Specific Plan Area.

☐ Includes a drive-through facility.

(Special notice requirements, pursuant to GC Section 65091 (d))

5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Signature

Date

3/7/06





March 1, 2006

City of Costa Mesa  
Planning Department

Re: 1784 Newport Blvd.

To Whom It May Concern,

The Stilley Limited Partnership would like to lease the property at 1784 Newport Blvd. to Mr. Mark Roche, DBA Natural Health Sports Therapy. His estimated amount of customer parking is 13 spaces per day, or one space per hour of operation..

The City of Costa Mesa Planning Department feels that we need 5 additional parking spaces which are available at a joining property also owned by the Stilley Limited Partnership which address is 1770 Newport Blvd. We hereby formally request the use of these spaces for this address location.

Thank you in advance for your prompt attention and answer.

Sincerely,

H. Calvin Stilley  
General Partner

Hcs/peh

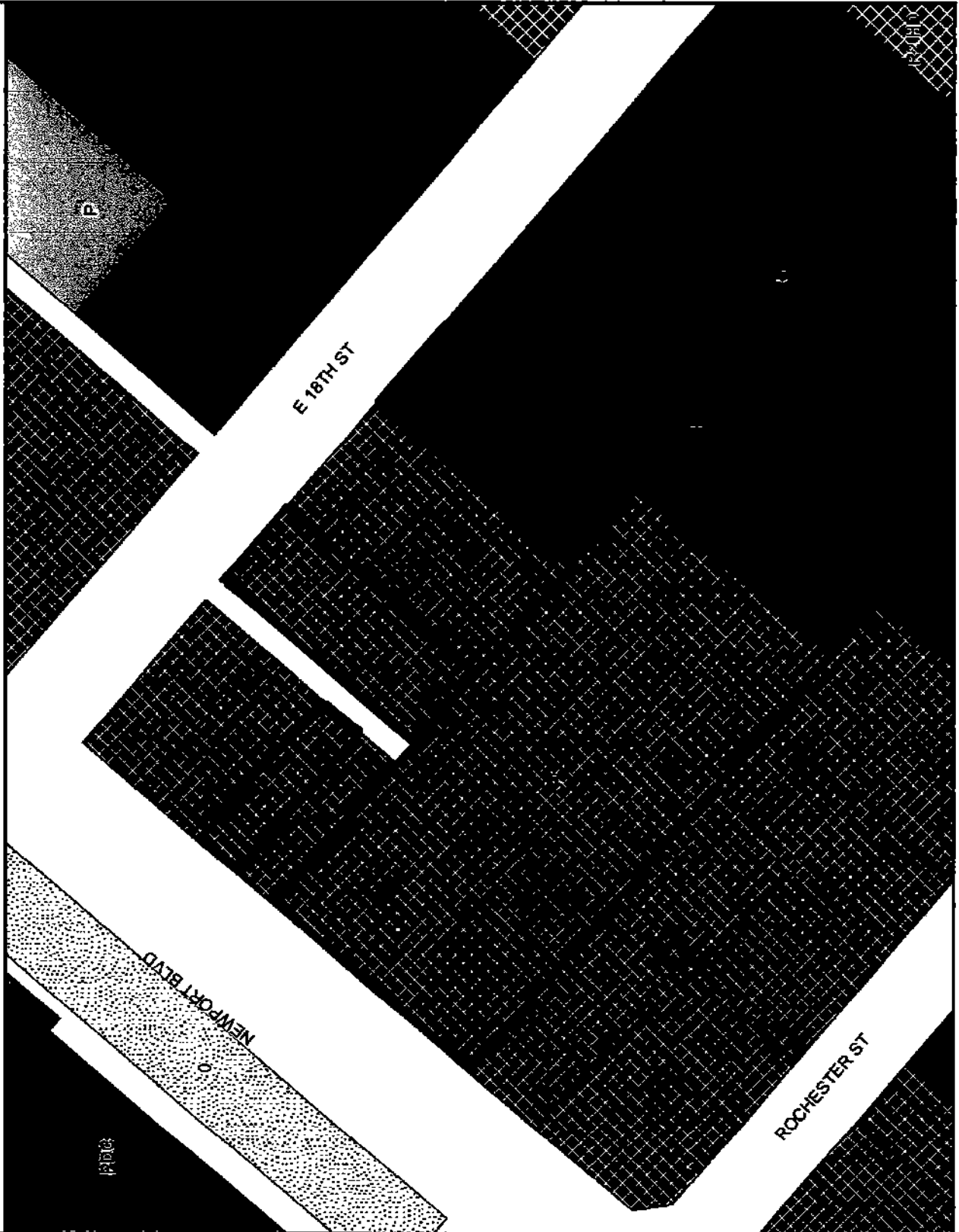
# ZONING/LOCATION MAP

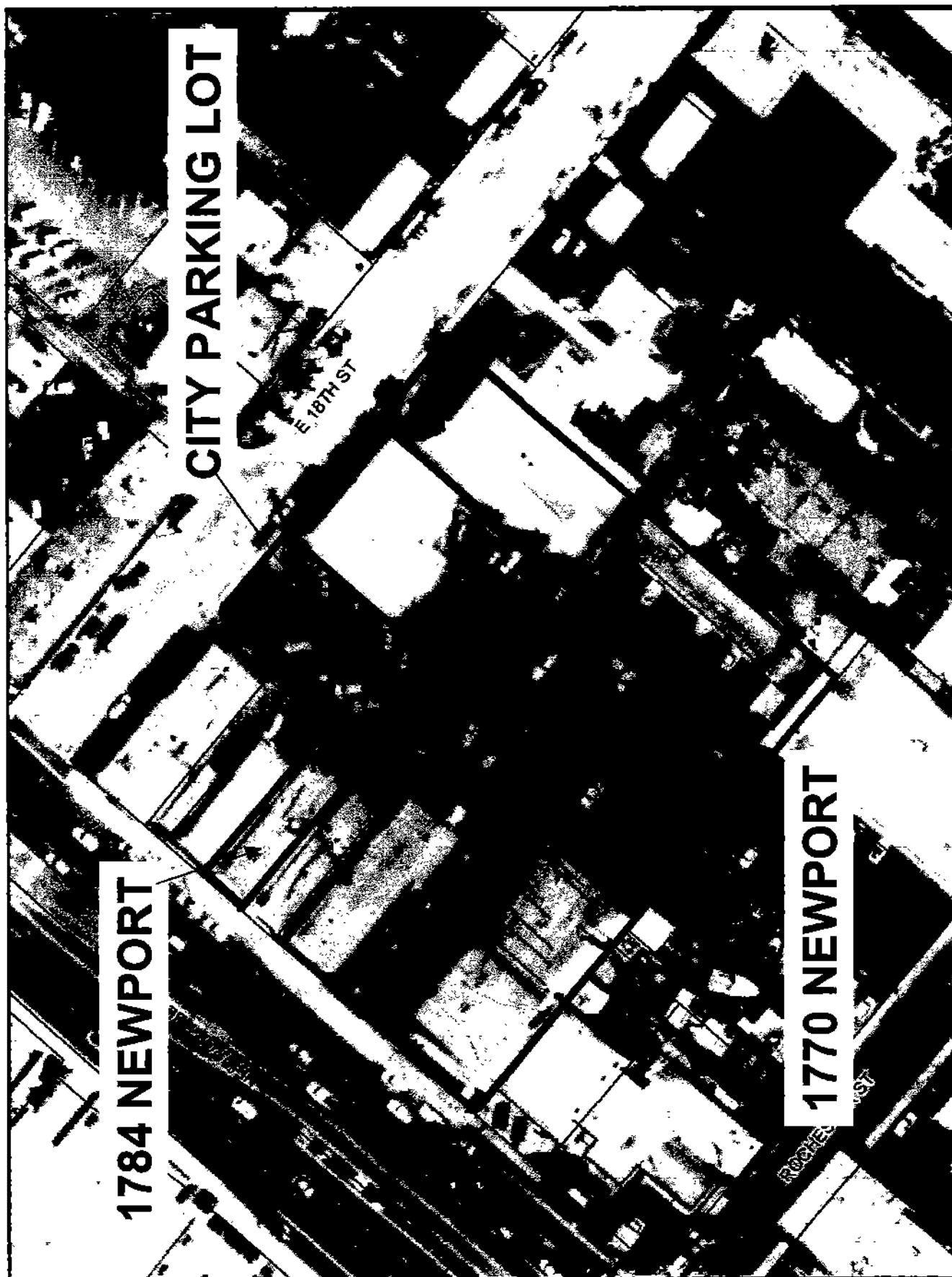
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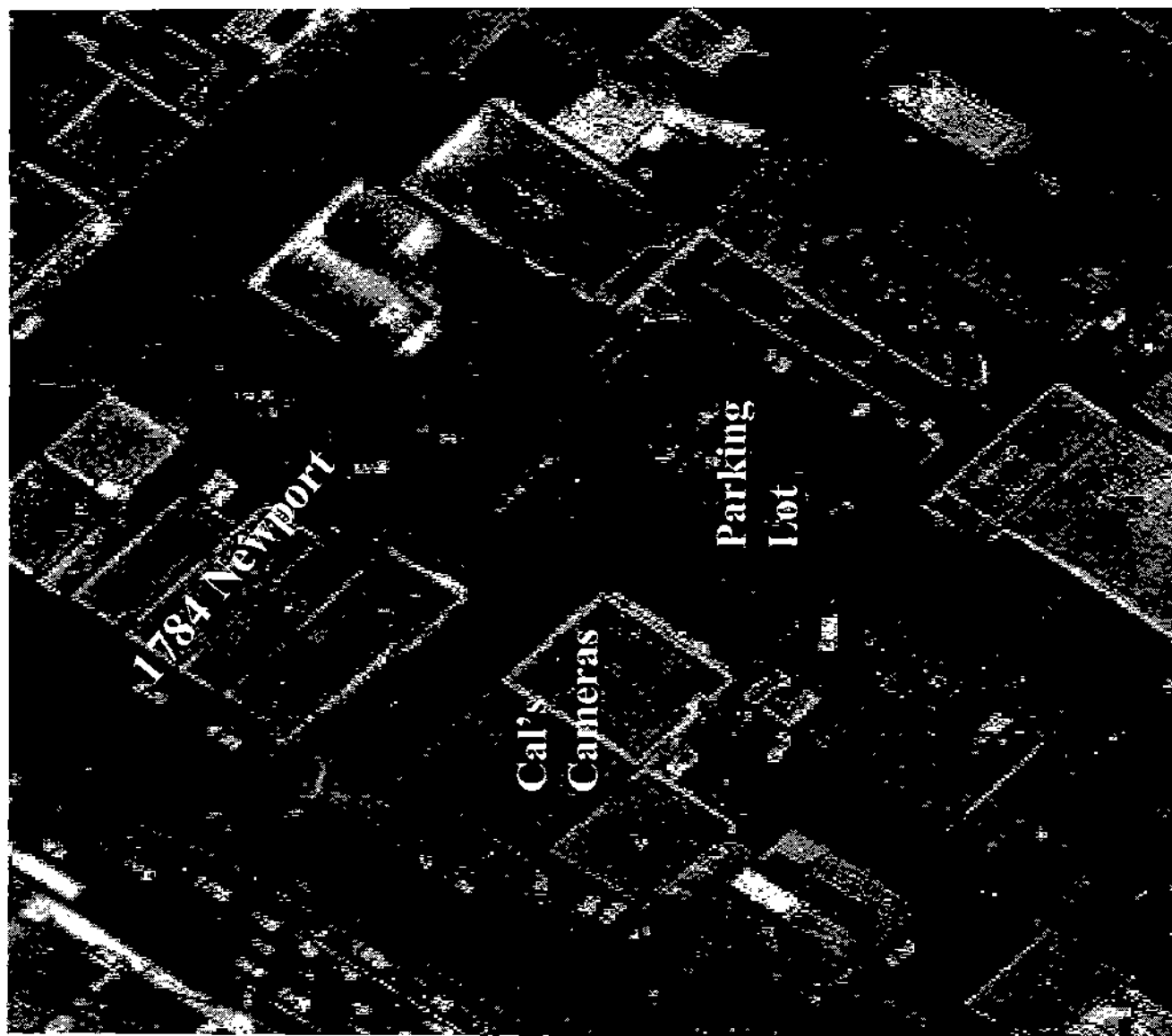
Street Names

Parcel Lines

Zoning

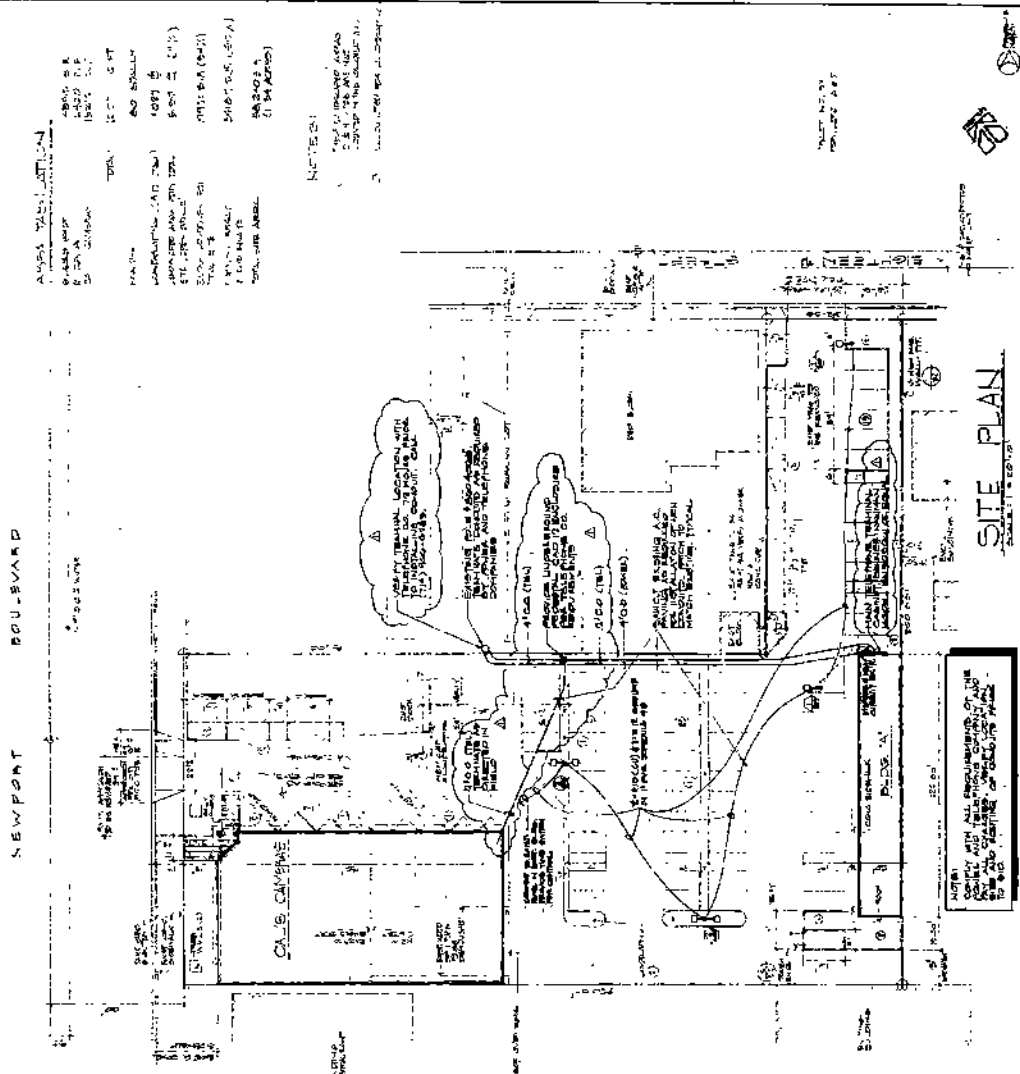
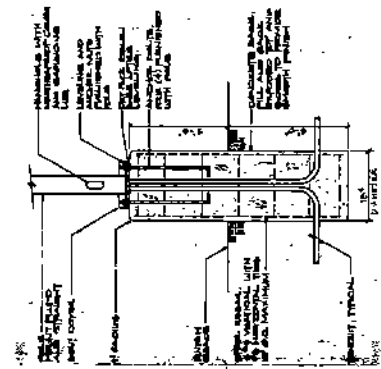
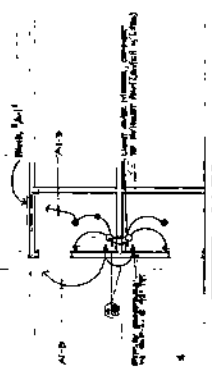
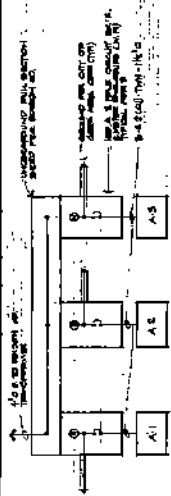






Cal's Cameras at  
1770 Newport Blvd.

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